## REMARKS

Claims 1-20 are pending, including independent claims 1, 5, 10, 14, and 19. All claims have been rejected on the basis of the same prior art as in the previous Office Action, with one additional reference, and the Examiner has presented substantially the same arguments as before.

Applicants have amended independent claims 1, 5, 10 and 14 for further clarification. Particularly in view of these amendments, Applicants submit that the rejections are traversed and the claims are patentable over the cited art.

Claims 1, 5, 6, and 9 previously were rejected as anticipated by Nitadori. Now, these claims are rejected under 35 U.S.C. §103(a) as obvious over Nitadori in view of U.S. Patent Publication No. 2002/0026266A1 ("Montague"). Similarly, Montague has been added to the rejection of claims 2-4, 7-8, and 10-18 as obvious over Nitadori and Himmelstein. Essentially, the Examiner is making the same rejections as before, except that he concedes Nitadori does not teach automatically selecting an appropriate virtual logic network according to a monitored event, and he cites Montague for this feature. Applicants disagree.

Claim 1 can be considered for the purpose of discussion. This claim recites an automatic method for communication among mobile units, comprising: acquiring information from another mobile unit through a physical network; registering a mobile unit as a member of a virtual logic network if the mobile unit satisfies a predetermined condition associated with the virtual logic network by referring to the acquired information of the mobile unit; monitoring at least one of the environment and a condition associated with a mobile unit for a predetermined event; and automatically selecting an appropriate virtual logic network according to a monitored event when the event takes place, selecting a communicating party from among the members of the selected virtual logic network, and communicating with the selected party.

Applicants have further clarified the claims. Claim 1, for example, now recites that the method comprises "the processing acts in a mobile unit of . . ." (distinguishing a system requiring a central station); recites "a predetermined membership condition" associated with each virtual logic network (e.g., Application at ¶ 53); and recites "monitoring at least one of the vehicle environment and a . . ." (e.g., Application at ¶ 70),

distinguishing the Examiner's interpretation of a change in a network environment. Independent claims 5, 10 and 14 have been amended similarly.

Nitadori does not disclose or suggest Applicants' claimed subject matter. Nitadori generally describes a mobile communication system in which mobile stations installed in vehicles traveling on a road can communicate with a base station on the roadside and with mobile stations in front of and behind the mobile station (e.g., Abstract; col. 4, ll. 21-50; col. 5, ll. 5-25).

First, Nitadori does not register a mobile unit as a member of a virtual logic network if the mobile unit satisfies a predetermined membership condition associated with the virtual logic network by referring to information acquired from the mobile unit. The passages in Nitadori cited by the Examiner are not applicable. The passage at col. 5, l. 60 – col. 6, l. 60 apparently refers to a single network and describes how the router calculates an optimum path to a desired party whose identifier may be acquired from a directory service. The portion of apparent interest to the Examiner in the passage at col. 10, l. 65 – col. 12, l. 15 describes that a network address can include a "group number" within the network. The passage at col. 14, l. 49 – col. 16, l. 7 describes how the sender finds the identifier of a desired party using a directory service or the like and that the "vehicle groups" are used to optimize the delivery of information within the network. Col. 18, ll. 34-40 describes how traffic information can be collected from the positions of mobile stations, and travel information can be exchanged between mobile stations. These passages do not at all describe or suggest Applicants' claim limitation.

Second, Nitadori does not teach monitoring at least one of the vehicle environment and a condition associated with a mobile unit for a predetermined event. The act of monitoring the environment was "being at least broadly interpreted as the network environment" by the Examiner. However, the claims have been clarified to specify that the vehicle environment is monitored, thereby obviating the Examiner's argument.

Third, Nitadori does not teach "automatically selecting an appropriate virtual logic network according to a monitored event when the event takes place, selecting a communicating party from among the members of the selected virtual logic network, and communicating with the selected party." In the passages cited by the Examiner for

support (col. 5, l. 60 – col. 6, l. 8; col. 14, l. 49 – col. 15, l. 15), the only statements of possible interest are statements that the sender finds the identifier of an intended party by using a directory service or the like. Nitadori does not select an appropriate virtual logic network according to a monitored event when the event takes place, and the Examiner has not even attempted to correlate the claim language to specific features in Nitadori.

The newly cited Montague is not relevant and does not cure the deficiencies of Nitadori. The passage cited by the Examiner (¶ 26) describes "automatically" notifying a central facility to dispatch assistance to a vehicle. This passage does not describe the automatic selection of a virtual logic network according to a monitored event and the automatic selection of a communicating party from among members of that network. Nor is there any suggestion to combine Montague in any reasonable way with the other references to even approximate Applicants' claimed invention.

Independent claim 5 contains limitations corresponding to the limitations identified above in claim 1 and is patentable for at least the same reasons.

Regarding independent claims 10 and 14, the Examiner applies Nitadori and Montague in the same way as against claims 1 and 5. However, independent claims 10 and 14 contain limitations corresponding to the limitations identified above in claim 1 and are patentable over Nitadori for at least the same reasons. Himmelstein again is only cited to show the use of communication apparatuses mounted in vehicles and does not cure the deficiencies of Nitadori and Montague.

Finally, the Examiner maintained his previous rejection of claims 19 and 20 as obvious over Himmelstein in view of Naboulsi.

Claims 19 and 20 relate to the embodiment shown in Fig. 6 and described at ¶¶ 74-79 of Applicants' application. The Examiner concedes that Himmelstein does not teach a sensor for detecting a physical condition of a driver, a sensor for monitoring a condition in the vehicle, or a condition determiner for determining the condition of the driver.

In addition, Himmelstein does not teach "an importance level determiner for determining an importance level regarding the necessity for communication with another mobile unit on the basis of the condition" as claimed. The passages cited by the

Examiner (col. 4, ll. 48-67; col. 5, ll. 32-38; and col. 14, l. 62) describe a priority field of a communication packet, and do not teach "determining an importance level regarding the necessity for communication with another mobile unit on the basis of the condition."

Himmelstein also does not teach "an information-to-be-sent decider for deciding on information to be sent on the basis of the importance level when it is determined necessary to communicate with another mobile unit." The support cited by the Examiner (microprocessor 40; Fig. 2; col. 3, ll. 28-67) describes functions of the microprocessor 40 but does not teach "deciding on information to be sent on the basis of the importance level."

On page 2 of the Office Action, the Examiner appears to argue that, although the prior art does not have the functional units recited in the claims, the functional claim limitations are merely "a recitation of intended use" that does not structurally distinguish over the prior art, and the prior art includes a microprocessor that is "capable of performing the intended use." The Examiner is wrong on both arguments. First, these functional limitations are not "recitations of intended use" as alleged by the Examiner, but rather are a perfectly appropriate way to describe a claimed structure. "There is nothing inherently wrong with defining some part of an invention in functional terms. Functional language does not, in and of itself, render a claim improper." M.P.E.P. § 2173.05(g); see also M.P.E.P. § 2173.01 (Applicant may use functional language. . ."; "a claim may not be rejected solely because of the type of language used to define the subject matter"). This is particularly appropriate where, as here, the claimed structural units may be implemented by a microprocessor executing predetermined programs. Second, the microprocessor in the cited art is not capable of performing the recited functions. There is no disclosure in the cited art that the microprocessor can or should be programmed this way, and even if it could be, it would no longer work as intended in the reference.

Naboulsi does not cure these deficiencies of Himmelstein and is directed to an entirely different subject matter. Naboulsi generally describes a safety control system for detecting driver or vehicle conditions in which the driver would be distracted by a telephone, Internet usage, and the like. Upon detecting such driver or vehicle conditions, the system takes steps to avoid the distraction, particularly disabling the

telephone or computer (e.g., Abstract; ¶¶ 3, 4, 6, 7, 10, 12-14, 24). There is no suggestion in the cited references to combine them in any way to result in Applicants' claimed invention.

The rejected dependent claims are believed to be patentable over the cited art for at least the same reasons as explained above for the independent claims.

In summary, Applicants submit that the present claims, as amended for clarification, patentably distinguish over the cited art, and Applicants respectfully request reconsideration and early allowance of this application.

Respectfully submitted,

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